PBS

March 16, 1993

BY HAND

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Re: CC Docket No. 92-297
Proposed Local Multipoint Distribution Service

Dear Ms. Searcy:

Enclosed is an original and (9) nine copies of the comments filed by the Public Broadcasting Service, Association of America's Public Television Stations, Organization of State Broadcasting Executives and Southern Educational Communications Association ("Public Broadcasting") in the above-captioned docket on March 16, 1993.

Also enclosed is an additional copy to be date-stamped by the clerk and returned to our messenger.

Sincerely yours,

Gregory Ferenbach
Assistant General Counsel

Enclosure

Public Broadcasting Service
1320 Braddock Place Alexandria VA 22314 1698 (703)739-5000

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In the Matters of	)	
	)	CC Docket No. 92-297
Rulemaking to Amend Part 1 and Part 21 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules and Policies for Local Multipoint Distribution Service;	)	RM-7872; RM-7722
Applications for Waiver of the Commission's Common Carrier Point-to-Point Microwave Radio Service Rules;	)	
Suite 12 Group Petition for Pioneer's Preference;	)	PP-22
University of Texas -- Pan American Petition for Reconsideration of Pioneer's Preference Request Denial	)	

JOINT COMMENTS OF THE ASSOCIATION OF AMERICA'S PUBLIC TELEVISION STATIONS, PUBLIC BROADCASTING SERVICE, ORGANIZATION OF STATE BROADCASTING EXECUTIVES AND SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

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March 16, 1993

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SUMMARY

These Joint Comments are filed by organizations representing virtually all of the public television stations in the United States ("Public Broadcasting").

Public Broadcasting supports the creation of a local multipoint distribution service (LMDS) in the 27.5-29.5 GHz frequency range. Public broadcasting believes that LMDS can significantly enhance the effectiveness of public telecommunications, education and public sector programs and operations and envisions a number of valuable LMDS applications, especially "last mile" delivery of new services to homes and schools.

The Commission should, consistent with past policy and practice and as advocated by the Suite 12 Group itself, reserve LMDS spectrum for non-commercial use. Alternatively, the Commission should take action to ensure that guaranteed access to this new service is afforded for non-commercial uses at no cost or at preferential rates.

Access to LMDS, whether by spectrum reservation or providing for guaranteed access at no charge or at reduced rates, will serve the important public policy goal of ensuring that educational programming and services are distributed the "last mile" to our nation's schools.

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ASSOCIATION OF
AMERICA'S PUBLIC TELEVISION STATIONS,
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ORGANIZATION OF STATE BROADCASTING
EXECUTIVES AND
SOUTHERN EDUCATIONAL COMMUNICATIONS
ASSOCIATION

I. Introduction

The Association of America's Public Television Stations ("APTS"), Organization of State Broadcasting Executives ("OSBE"), Public Broadcasting Service ("PBS") and Southern Educational Communications Association ("SECA") (collectively, "Public Broadcasting") submit these comments in response

to the Notice of Proposed Rule Making, Order, Tentative Decision and Order on Reconsideration in CC Docket No. 92-297, RM-7722, PP-22, FCC 92-538 (released January 8, 1993) ("NPRM").

The NPRM specifically seeks comment as to the extent of the possible demand for non-commercial use of the proposed Local Multipoint Distribution Service ("LMDS") in the 27.5-29.5 GHz frequency range ("28 GHz Band"). Comment is also solicited as to whether the Commission should reserve spectrum for such non-commercial use.[1]

APTS is a private, non-profit membership organization whose members include virtually all of the nation's public television stations. APTS engages in planning, research and legislative and policy representational activities on behalf of its member stations.

PBS is likewise a private, non-profit corporation whose members include virtually all of the nation's public television stations. In contrast to APTS, PBS's primary function is to distribute television programming produced by public television stations and other independent production entities. PBS manages public television's satellite interconnection system, the capabilities of which will be greatly expanded upon the launch of AT&T's Telstar 401 satellite in 1993.

OSBE is an organization composed of the chief executive officers of the state public television networks and directors of commissions and authorities with statewide telecommunications responsibilities. OSBE currently has representatives

1 Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration in CC Docket No. 92-297, RM-7722, P-22, FCC 92-538 (released January 8, 1993) (hereinafter "NPRM") at paragraph 19.

from 31 states which together operate two-thirds of the public broadcasting stations in the United States.

SECA is the largest regional public broadcasting organization in the nation, serving education, public radio and public television in 17 states, the U.S. Virgin Islands and Puerto Rico. SECA's Center for Instructional Communications serves public television and education entities in 49 states.

Public Broadcasting supports the reservation of the 28 GHz Band for LMDS. Public Broadcasting foresees a variety of LMDS uses that will enhance the effectiveness and availability of public telecommunications, education and public sector programs and operations, but the Commission must act to ensure that public broadcasting stations and other non-commercial entities can gain access to this new service.

Public Broadcasting supports the proposal of the University of Texas--Pan American in the NPRM that one-half of the 28 GHz Band be reserved for non-commercial use.[2] Public Broadcasting has been advised that the Suite 12 Group also favors a set-aside for non-commercial use.[3] Alternatively, the FCC should adopt rules ensuring access to LMDS technology for public telecommunications, education and other public service uses.[4]

2 NRPM at paragraph 19.

3 See. Comments of Suite 12 Group filed contemporaneously in this proceeding.

4 Public Broadcasting has consistently advocated that non-broadcast technologies be used to ensure that Americans have the widest possible access to public television programming. See, e.g., Comments of the Association of America's Public Television Stations, Reexamination of the Effective Competition Standard for the Regulation of Cable Television Basic Service Rates, MM Docket Nos. 90-4, 84-1296 (Sept. 25, 1991); Joint Comments of the Association of America's Public Television Stations and the Public Broadcasting Service, Review of the Policy Implications of the Changing Video Marketplace, MM Docket No. 91-221 (Nov. 21, 1991); Comments of the Association of America's Public Television Stations, Corporation for Public Broadcasting and Public Broadcasting Service, Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket 87-268 (December 20, 1991); Joint Comments of the National Association of Public Television Stations and the Public Broadcasting Service, Policy Considerations for the Future of the Domestic Telecommunications Infrastructure, NTIA Docket No. 91296-9296; Joint Comments of the Association of

II. Public Service Needs and Uses

A. Public Television's Telecommunications Highway

The importance of LMDS technology to public broadcasting is best understood in the context of public television's recent efforts to pioneer the utilization of communications technology for education.

As part of its federally-funded satellite replacement project, PBS has purchased seven transponders aboard AT&T's Telstar 401 satellite, scheduled to be in service in December 1993. At the same time that it is developing its own new educational services, PBS has been aggregating other educational, distance learning services onto Telstar 401. By attracting other educators to the Telstar 401 satellite, PBS is creating a national telecommunications highway for education. Schools, colleges, libraries, state agencies, hospitals, businesses, and other learning centers will soon have a cost-effective access to educational programming provided by the nation's leaders in distance learning and educational services. A single satellite antenna will receive many program services without any need to re-position the "dish." When Telstar 401 is launched, classrooms all over America will gain access to an extraordinary array of program resources and information for both teachers and students.

America's Public Television Systems et. al., Amendment of Parts 0,1,2 and 95 of the Commission Rules to provide for Interactive Video Data Services, Gen. Docket No. 91-2 (June 10, 1991); Comments of the Association of America's Public Television Stations, Telephone Company - Cable Television Cross-Ownership Rules, CC Docket No. 87-266 (February 3, 1992); Joint Petition for Reconsideration of the Association of America's Public Television Stations and Corporation for Public Broadcasting, Telephone Company - Cable Cross-Ownership Rules, CC Docket No. 87-266 (October 9, 1992). Joint Comments of the Association of America's Public Television Stations and the Public Broadcasting Service, Current and Future Requirements for the Use of Radio Frequencies in the United States, NTIA Docket No. 920532-2132 (November 6, 1992).

This "education neighborhood" will be made possible by the incorporation of digital compression technology into the new satellite system. Digital compression will significantly expand public television's channel capacity. The result will be a dramatic increase in the efficiency of the satellite and a significant reduction in the cost per channel. PBS anticipates providing two to eight video signals (depending upon type of program material being transmitted) on a single Ku-band transponder. One of PBS's principal objectives in selecting a compression standard for public television was to assure that the equipment selected would meet the needs of both public television and the educational community.

Telstar 401 will also serve as the space segment for a nation-wide very small aperture terminal (VSAT) network. Using VSAT technology, PBS is building a two-way interactive data network linking local public television stations, schools, libraries, colleges, universities, and other learning centers throughout the nation. This system will be the nation's most cost-effective and efficient educational data highway. A 16-site pilot test of public television stations and neighborhood schools is currently underway, testing a number of potential applications. Programs currently under development include "media fusion" projects that bring together the best attributes of both television and computers. For example, PBS, in conjunction with a corporate sponsor, has designed a program by which video clips from the MACNEIL/LEHRER NEWSHOUR are sent via satellite then downloaded into students' computers. Facts and figures are also transmitted providing more information for further exploration. Students then analyze, interpret and respond to that information on their own, and they can transmit to other students over the network. By developing projects such as this, PBS hopes to develop students' analytic skills to create a new generation of critical learners.

B. Educational Applications and the "Last Mile" Problem

As noted above, the proposed creation by the Commission of a LMDS has significant potential for enhancement of new technology that PBS is now putting into place. PBS intends to take advantage of digital compression transmission technology to expand its program services to provide many new and innovative educational programming services, including, for example, a new "Math Service" for students and teachers and the "Ready to Learn" service for preschool age children, parents, childcare workers and teachers. Additionally, digital compression will enable PBS to provide satellite transponder service for diverse educational services such as the Satellite Educational Resources Consortium (SERC), the National Technology University (NTU) and Satellite Communications for Learning (SCOLA).

Long-haul technologies such as satellite, microwave and fiber are the major components of any "information superhighway," but an economical, effective "last mile" delivery service is necessary to make the sophisticated inter-active educational services available to all. This is particularly true in the case of the public television satellite interconnection system where multiple services must be re-distributed locally from a single broadcast station. Although the VSAT technology will be one important vehicle for transmissions of data associated with educational interactive services, many schools, institutions and homes may not, for a number of reasons, be able to install the satellite antennas and special receivers necessary to receive the PBS Telstar 401 video transmissions. Therefore, there is still a need for delivery of these services from local public television stations to the classroom.

LMDS offers a promising solution to this problem. LMDS technology proposed in the NPRM can provide these "last mile" services via inexpensive small

antennas and receivers. A system can be easily visualized in which eight educational video services per LMDS channel are economically distributed in a spectrally efficient manner. The proposed channel bandwidth of 20 MHz lends itself to use of the same digital compression transmission techniques that PBS will be using in satellite distribution and thus provides an excellent means of delivering new, multichannel PBS services. LMDS would be particularly cost-effective in densely populated areas.[5]

III. National Policy Objectives for Public Television as Developed by Congress and the Commission

The nation's public television stations provide the only locally-controlled programming service in the United States whose sole purpose is to provide and distribute educational, informational, cultural and instructional programming at the community level. For almost a quarter of a century, Congress has made it clear that public television serves a paramount government interest in advancing the educational and cultural goals of the nation through the delivery of quality programming. In establishing the blueprint for public broadcasting in the Public Broadcasting Act of 1967, Congress found that:

> it furthers the general welfare to encourage public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and which will constitute a source of alternative communications services for all citizens of the Nation.[6]

[5] LMDS offers a number of significant advantages over ITFS, including the number of channels available per licensee (49), the signal quality and the possibility of sophisticated interactivity.

[6] 47 U.S.C.. §396(a)(5).

Both the Commission and Congress have recognized that it serves the public interest to ensure that all citizens of the United States have access to such public telecommunications services. In 1952, the Commission, recognizing the unique and important services which such television programming could offer, reserved 242 (channels 14-83) for educational television.[7] Since that time, not only has the Commission consistently protected these reservations against efforts by commercial broadcasters to de-reserve them,[8] it has reserved additional channels to further the reach of public television service,[9] to provide better picture quality,[10] or to permit the formation of networks of noncommercial educational stations.[11]

Congress has also advocated a strong federal policy of access to public telecommunications services. In the Public Broadcasting Act of 1967, Congress found that:

> it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most

7 Television Assignments, Sixth Report and Order, 41 F.C.C. 148 (1952).

8 See, e.g., Television Assignments in New Smyrna Beach, Florida 50 R.R.2d 1714 (1982); Television Assignments in Houston, Texas, 50 R.R.2d 1420 (1982); Table of Assignments in Ogden, Utah, 26 F.C.C.2d 142 (1970), recon. denied, 28 F.C.C.2d 705 (1971); Channel Assignments in Hamilton, Alabama, 21 R.R. 1577 (1961); Channel Assignments in Longview-Denton, Texas, 17 R.R. 1549 (1958); recon. denied, 17 R.R. 1552a (1959); Channel Assignments to Des Moines, Iowa, 14 R.R. 152d (1956), recon. denied, 14 R.R. 1528 (1956).

9 See Television Channel Assignment at Anchorage, Alaska, 68 R.R.2d 1121 (1990); Television Channel Assignment at Victoria, TX, 52 R.R.2d 1508 (1983); Television Channel Assignment at Seaford, Del., 43 R.R.2d 1551 (1978); Television Channel Assignment at Mount View, Ark., 38 R.R.2d 1298 (1976); Television Channel Assignment at Eufaula, Okla., 35 R.R.2d 1039 (1975); Television Channel Assignment at Booneville, Miss., 27 R.R.2d 246 (1973); Television Channel Assignment at Parson, Kansas, 23 R.R.2d 1707 (1972); Television Channel Assignment in the Virgin Islands, 20 R.R.2d 1659 (1970) (Mileage separation requirements with co-channels in Puerto Rico waived; the most important factor for waiver is that the channels were for educational use); Television Channel Assignments at Las Cruces, New Mexico, 14 R.R.2d 1518 (1967) (18 UHF channels assigned to Hawaii, with 9 reserved for noncommercial educational use); Television Channel Assignment in Staunton, VA, 5 F.C.C.2d 537 (1966).

10 Television Channel Assignments at Nashville, Tenn. 26 R.R.2d 1667 (1973).

11 Television Channel Assignments at McGill, Nevada and Richfield, Utah, 24 R.R.2d 1855 (1972).

> effectively make public telecommunications services available to all citizens of the United States.[12]

Congress has repeatedly reaffirmed its support for public service programming in its annual appropriations and every three years in its reauthorizations of funding. Since 1967, Congress has appropriated approximately $4 billion to fund public service programming through the Corporation for Public Broadcasting, and approximately $600 million for the planning and construction of public television and radio facilities, including the public broadcasting satellite distribution system. In 1992, Congress reauthorized funding for public television programming through the Corporation for Public Broadcasting by resounding margins in both the House and the Senate.

Congress has also recognized the importance of utilizing nonbroadcast distribution mechanisms for the delivery of public service programming. As early as 1967, Congress decreed:

> it is in the public interest to encourage the growth and development of nonbroadcast telecommunications technologies for the delivery of public telecommunications services.[13]

In 1978, Congress adopted the Telecommunications Financing Act to assist in the funding of public telecommunications facilities, to

> extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and

12 47 U.S.C. §396(a)(7). By "public telecommunications services" Congress means "noncommercial educational radio and television programs, and related noncommercial instructional or informational material that can be transmitted by electronic communications." 47 U.S.C. §397(14).

13 Id. at §396(a)(2).

> economical means, including the use of broadcast and nonbroadcast technologies.[14]

The Senate Report to the 1978 Act stated that:

> ... public broadcasting can benefit from the technological revolution occurring today in the field of communications. The increased commercial and noncommercial application of various technologies: satellite, co-axial cable, microwave, and translators, as well as advances in the use of audio and video cassettes and discs, and the breakthroughs that are likely in optical fiber and computer memory, if they are planned for and used properly, will create a wealth of new services and greater program choices for the public. It is in the public interest for public broadcasting to make the maximum use practicable of these new technologies.[15]

Congress reiterated its belief that public television must not be left behind by the rapidly changing pace of technical development in 1988 when it funded the new satellite interconnection system:

> [I]t is critical that the public broadcasting system be able to take advantage of technologies such as advanced television technologies, including HDTV, interactive video and digital data distribution.[16]

Most recently, Congress adopted the Public Telecommunications Act of 1992, which states:

[14] Id. at §390. (Emphasis added).

[15] Senate Committee on Commerce, Public Telecommunications Finance Act of 1978, Sen. Rep. No. 95-858, 95th Cong., 2d Sess. 6.

[16] H.R. Rep. No. 825, 100th Cong., 2d Sess. 14 (1988), reprinted in 1988 U.S. Code Cong. & Ad. News 4357, 4369.

> it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.[17]

The House Report to this legislation

> strongly endorses a policy of broad access to the essential public services offered by public telecommunications, regardless of the technology used to deliver those services, in order to advance the compelling governmental interest in increasing the amount of educational, informational, and public interest programming available to the nation's citizens.[18]

IV. LMDS and the Development of a National Telecommunications "Infrastructure" for Education.

Today there is renewed concern that the educational community lags the rest of the country in its use of technologies that will shape the next several decades. The Clinton Administration and the Congress are, for example, currently considering new programs, to be funded through the NTIA, to promote the development of "information superhighways" linking States, local governments, universities, school systems and non-profit organizations.[19] These proposals hold out the promise of enabling public broadcasting to deliver data services the "last mile" to our nation's schools. By ensuring that cost-effective solutions to the "last mile" problem, such as LMDS, are made available to non-commercial entities for video as well as data services, the Commission may be in a position to complement

17 Pub. L. No. 102-356, 106 Stat. 949 (Aug. 26, 1992). (Emphasis added)

18 H.R. Rep. No. 363, 102d Cong. 1st Sess. 18 (1991).

19 See e.g. Executive Office of the President of the United States, "A Vision for Change in America," (February 17, 1993) p. 53.

federal "pilot" programs. Services like LMDS are particularly important to non-commercial entities in the near-term while awaiting the development of national fiber optic networks.

V. Any LMDS Service Established by the Commission Should Guarantee Access for Public Service Uses

Public Broadcasting urges the Commission, in adopting policies and rules to govern LMDS, to implement and support the long-standing federal policy of facilitating access to and maximum use of emerging technologies to achieve the widest possible distribution of public services to our nation's citizens.

A. Ensuring Access Through Spectrum Reservations

There are a number of possible ways in which the Commission can guarantee non-commercial access to LMDS. First, the Commission could adopt the proposal, first suggested by the University of Texas--Pan American and endorsed by the Suite 12 Group as well, that one-half the available 28 GHz Band be reserved for educational use. This solution would be amply justified by past policy regarding public broadcasting and non-commercial use of spectrum as outlined in Section III of these Comments and the importance of this technology for educational needs as discussed in Section II. Now is not the time to abandon the national commitment to education. On the contrary, at a time when educational needs are as critical as ever, public television is just beginning to harness new technologies to address those needs. Unless spectrum is reserved now for educational applications, such applications may never be developed and a valuable opportunity to further the nation's goals for education could be lost.

If the Commission is concerned that the prospective educational demand for LMDS is not now at a sufficient level to justify a reserved allocation, the

Commission should consider a temporary reservation -- keep one of the LMDS allocations in each market available for non-commercial or educational use for a period of at least ten years. At the end of this period, if there were no non-commercial or educational use, the spectrum could be turned over to commercial users.[20] In this way the Commission could allow for future commercial development while giving non-commercial entities a fair opportunity to develop educational uses of LMDS.

In short, the Commission should exercise the same foresight and enlightened policymaking with respect to LMDS that it did in the 1950s when it established non-commercial educational channels in the broadcast spectrum.[21]

B. Ensuring Access Through Other Means

As an alternative means of providing access to LMDS for non-commercial educational services, the Commission could consider requiring commercial LMDS licensees to provide guaranteed, first priority access to their systems at free or preferential rates.

20 In this respect Public Broadcasting supports the position taken in this proceeding by The American Council on Education, American Association of Community Colleges, National Association of State Universities and Land Grant Colleges, Instructional Telecommunications Consortium, Western Cooperative for Educational Telecommunications, California State University, Alliance for Higher Education, Iowa Public Broadcasting Board, University of Maine at Augusta, University of Wisconsin System and Ana G. Mendez Educational Foundation (collectively, the "Educational Parties").

21 Television Channel Assignments, Sixth Report and Order, 41 F.C.C. 148, 158 et seq. is instructive here. In the Sixth Report and Order, the Commission finds that there is no debate in the record that "... there is a need for non-commercial educational stations" and "the public interest will clearly be served if these stations are used to contribute significantly to the educational process of the nation." The Commission states: "There is moreover, abundant testimony in the record that the very fact of reserving channels would speed the development of education television." The Commission concludes: "All things considered, it appears to us that the reservation of channels for non-commercial educational stations, ... is the best method of achieving the aims of educational television." The public television stations submit that these Commission findings and sentiments are as important in developing a LMDS policy as they were in developing a broadcast policy.

Unlike other potential users of LMDS, non-commercial entities are not in the business of distributing video programming and other services to make a profit. Their sole motivation is to provide quality, educational programming to diverse, underserved audiences throughout the country. Public television programming and services are funded primarily by the public through federal and local tax dollars and viewer contributions. Public television is thus a community-funded, community-based institution, much like a local public library or museum. It is consistent with this public-supported funding structure of public television that LMDS be made available on a guaranteed basis for distribution of program services at no charge or preferred rates. Both Congress and the Commission have recognized the need for adequate funding to sustain non-commercial educational programming.[22] Priority access to LMDS at no charge or preferred rates will significantly reduce financial barriers to the distribution of the educational programming services that the public has already supported. It will also eliminate the danger that the public would be deprived of the types of public services that will be made possible by new video distribution technologies if public broadcasters, because of their public-based funding structure, are unable to afford access to these technologies.

Public Broadcasting is not ready to offer specific rules for non-commercial use of LMDS, which would properly be the subject of a further rulemaking. However, we note that the Commission could use as its model for non-commercial LMDS the recent rules for wireless cable operators on ITFS frequencies, which are obliged to provide up to 40 hours per week on each ITFS channel to qualified

22 See e.g., Public Broadcasting Act of 1967, S. Rep. No. 222, 90th Cong, 1st Sess. (1967), reprinted in 1967 U.S. Code Cong. and Ad. News 1780 ("The financial hardship of these stations is well known and to charge them for programs would be inconsistent with the intent of this legislation."); Educational Television Act, Comments of the Federal Communications Commission, reprinted in 1962 U.S. Code Cong. and Ad. News 1623 ("The growth of educational television has to some extent been inhibited by a lack of funds. It is apparent to the Commission that there is a real need for financial assistance to educational television if it is to achieve its ultimate potential in the immediate future."); Public Telecommunications Act of 1988, reprinted in 1988 U.S. Code Cong. and Ad. News 4363 ("The Committee recommends adequate funding authorization ... to sustain a high-quality and diverse public broadcasting system which can continue to provide a forum for presentation of diverse, innovative programming and stimulate program production designed to serve all Americans.")

educational programmers, as well as to install a limited number of educational receive sites. In LMDS, the access could be to a certain number of channels, rather than to a certain number of hours on each channel. Such access would serve the needs of those entities that do not have the need for or capability of constructing and operating an entire LMDS system throughout a licensed service area, but need to provide educational programming to homes and schools within certain areas.[23]

Experience with the cable industry has highlighted the need for non-commercial LMDS rules. Both the Commission and Congress have recognized the need for guaranteed access, or "must carry," on our nation's cable systems for noncommercial educational television services because many cable operators would otherwise refuse to use their distribution system to transmit non-commercial programming. Congress recently adopted must carry for public television, by an overwhelming margin, as part of its overall cable reform bill. The ongoing struggle over the must carry features of the Cable Act demonstrates the importance of establishing at the outset, before commercial licensees become entrenched, a policy of access for non-commercial and educational uses for emerging communication distribution technologies such as LMDS.

VI. Conclusion

Unless the United States is prepared to permit the existence of an "information underclass," public policy will have to evolve to ensure access to new distribution systems that transmit both information and programming. Guaranteed access to LMDS service by non-commercial telecommunications entities and their customers is particularly important given that Congress has found it in the public interest to protect and promote the universal availability of non-commercial programming and given the current federal interest in ensuring that educational

[23] See also, Comments of the Educational Parties in this proceeding at p. 12.

programming and services are distributed the "last mile" to our nation's schools. Access to LMDS, whether by spectrum reservation or providing for guaranteed access at no charge or at reduced rates, will serve this important public policy goal.

Respectfully submitted,

ASSOCIATION OF AMERICA'S PUBLIC TELEVISION STATIONS

PUBLIC BROADCASTING SERVICE

ORGANIZATION OF STATE BROADCASTING EXECUTIVES

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

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